

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1423E

1 WHEREAS, HiMark Development, Inc. and D & M Development, L.L.C. have  
2 submitted an application designated as Special Permit No. 1423E for authority to amend  
3 the HiMark Estates Community Unit Plan to adjust the side and rear yard setbacks on one  
4 lot, on property located at the west end of Merion Circle, generally at S. 98th Street, and  
5 legally described to wit:

6 Lot 3, HiMark Estates 7th Addition, located in Section 11,  
7 Township 9 North, Range 7 East of the 6th P.M., Lancaster  
8 County, Nebraska;

9 WHEREAS, the real property adjacent to the area included within the site  
10 plan for this community unit plan will not be adversely affected; and

11 WHEREAS, said site plan together with the terms and conditions hereinafter  
12 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
13 Code to promote the public health, safety, and general welfare.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
15 Lincoln, Nebraska:

16 That the application of HiMark Development, Inc. and D & M Development,  
17 L.L.C., hereinafter referred to as "Permittee", to amend the HiMark Estates Community  
18 Unit Plan to adjust the side and rear yard setbacks on one lot, on the property legally  
19 described above, be and the same is hereby granted under the provisions of Section  
20 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that

1 construction and operation of said community unit plan be in strict compliance with said  
2 application, the site plan, and the following additional express terms, conditions, and  
3 requirements:

4 1. This permit approves 539 dwelling units and adjusts the side and rear  
5 yards on Lot 3, HiMark Estates 7th Addition to 50 feet.

6 2. Before receiving building permits:

7 a. The Permittee must submit a revised and reproducible plan  
8 including five copies.

9 b. The construction plans must conform to the approved plans.

10 3. Before occupying the dwelling units all development and construction  
11 must be completed in conformance with the approved plans.

12 4. All privately-owned improvements must be permanently maintained  
13 by the Permittee or an appropriately established homeowners association approved by the  
14 City Attorney.

15 5. The site plan approved by this permit shall be the basis for all  
16 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
17 elements, and similar matters.

18 6. The terms, conditions, and requirements of this resolution shall be  
19 binding and obligatory upon the Permittee, its successors, and assigns. The building  
20 official shall report violations to the City Council which may revoke the special permit or  
21 take such other action as may be necessary to gain compliance.

22 7. The Permittee shall sign and return the City's letter of acceptance to  
23 the City Clerk within 30 days following approval of the special permit, provided, however,

1 said 30-day period may be extended up to six months by administrative amendment. The  
2 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
3 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
4 Permittee.

5 8. The site plan as approved with this resolution voids and supersedes  
6 all previously approved site plans, however all resolutions approving previous permits  
7 remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2002:

\_\_\_\_\_  
Mayor